

Tuesday, March 05, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold and Chairperson Paul A. Teixeira

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON PAUL A. TEIXEIRA.

Consent Agenda – Review and Approval:

1-5. This is the time set for consideration of the Consent Agenda.

Chairperson Teixeira: opens the floor to public comment without response.

The action taken for Consent Agenda items 1 through 5 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Administrative Office Items:

1. Request to appoint Deputy General Services Agency Director- Information Technology, Guy Savage to the San Luis Obispo County Employees Pension Trust Board.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

2. Request to approve the minutes of the Board of Supervisors meetings held during the months of December 2012 and January 2013.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Human Resources Items:

3. Submittal of a resolution amending the Fund Center 160- Public Health Department’s Position Allocation List (PAL) by deleting a Health Education Specialist and adding a Lead Health Education Specialist and setting the salary range for the new classification.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-36, adopted.

Consent Agenda - Planning & Building Items:

4. Submittal of a resolution authorizing an application to the California Department of Housing and Community Development for a CalHome grant in the amount of 1,000,000 for the County’s First Time Home Buyer Program.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-37, adopted.

Consent Agenda - Social Services Items:

5. Request to approve an amendment (Clerk's File) to extend the term of the California Work Opportunity and Responsibility to Kids (CalWORKs) Information Network (CalWIN) agreement with HP Enterprise Services, LLC (HPES) effective August 1, 2013 through July 31, 2015.

The Board approves as recommended by the County Administrative Officer.

Public Comment Period:

6. This is the time set for members of the public wishing to address the Board on matters other than scheduled items.

Mr. Dan Buchski - County Administrator: provides a brief overview of the Federal budget sequestration process; its potential impacts; and states he will provide an update when more information is provided.

Mr. Eric Greening: speaks to the legislative platform that was discussed at last week's meeting and provides revised language for Goal 4 (formerly Goal 5) regarding CEQA reform.

Mr. Jesse Arnold: addresses concerns regarding genetically modified organism (GMO) corn being sold at local farmers markets.

Mr. Joseph Rouleau: comments on the relationship between Supervisor Gibson and his Legislative Assistant.

Mr. Tom Dawson: speaks to the modification to the voting threshold requirement for tax increases.

Ms. Linde Owen, Mr. Ben DiFatta and Ms. Elsa Dawson: address concerns regarding the statements made to place limitations on public comments during Board meetings. Additionally, Ms. Owen comments on the relationship between Supervisor Gibson and his Legislative Assistant; the policy regarding relationships between County employees; and the need for an update on the Los Osos Wastewater Project (LOWWP). Further, Ms. Dawson, comments on the Board's discussion regarding lowering the voting threshold.

Ms. Julie Tacker: requests an investigation on the funding provided to Community Action Partnership of San Luis Obispo County (CAPSLO) and the relationship between Supervisor Gibson and his Legislative Assistant; and comments on the status of her Public Records Act request with the County Counsel's Department, with Ms. Rita Neal responding.

Mr. Bill Pelfrey: addresses the duties of an elected official.

Mr. Richard Margetson: speaks to a recent Tribune article relating to public comment at Board of Supervisor meetings.

Ms. Susan Warren: states her concerns regarding issues repeatedly being brought to the Board and provides reasons why the issues do not appear to be addressed. **No action taken.**

Board Business:

7. Submittal of the Fiscal Year 2012-13 Second Quarter Financial Report.

Chairperson Teixeira: opens the floor to public comment without response.

The Board receives and files the Fiscal Year (FY) 2012-13 Second Quarter Financial Report; accepts cash donations in a total amount of \$35,580.30 on behalf of the Department of Social Services, Library, Parks and Airports and approves associated adjustments as outlined in Section 4 of the FY 2012-13 Second Quarter Financial Report; approves a budget adjustment in the amount of \$550,000 from General Fund contingencies to offset unbudgeted expenditures for a multiple defendant capital murder trial in Fund Center (FC) 135 – Public Defender; approves a budget adjustment in the amount of \$28,894 from FC 290 - Community Development contingencies to the FC 290 operating budget; approves a budget adjustment in the amount of \$40,787 from unanticipated revenue to FC

377 - Library to support the San Luis Obispo Literacy Council; approves a budget adjustment in the amount of \$240,000 from the FC 138 - Emergency Services Nuclear Power Plant Preparedness trust fund to the FC 138 operating budget; approves a budget adjustment in the amount of \$330,000 from the designated fund balance in FC 230 - Capital Projects to Operating Transfers Out, also in FC 230 - Capital Projects to allow the transfer of funds for a maintenance project authorized in the FY 2012-13 budget in Fund Center 200 - Maintenance Projects; amends the fixed asset list for FC 140 - County Fire to add equipment in the amount of \$100,000 for the countywide emergency radio repeater network; approves a budget adjustment in the amount of \$18,000 in FC 425 - Airports to transfer Tax Reduction Reserve revenue and capital outlay expenditures from the Parking Lot Upgrade project to the Terminal Upgrade project; approves requests by Public Works - Special Services and the Department of Social Services for relief from accountability for uncollectable debt in the amounts of \$2,497.99 and \$56,071.80 respectively, as outlined in Section 4 of the FY 2012-13 Second Quarter Financial Report; and approves a request from the General Services Agency to declare 18 vehicles as surplus, authorize their removal from the County fleet, and authorizes their sale to recover salvage value in accordance with County Code Section 2.36.030(5).

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

8. Presentation of Terminal Design/Development Project Phase 1 for the San Luis Obispo County Regional Airport and request for approval to proceed to Phase 2 of the project. District 3.

Chairperson Teixeira: opens the floor to public comment.

Mr. Mike Manchak – Economic Vitality Corporation (EVC) and Ms. Stacie Jacobs - San Luis Obispo County Visitors & Conference Bureau: speak.

The Board approves the Phase 1 results of the Passenger Terminal Design/Development at the San Luis Obispo County Regional Airport and authorizes Airport Services to proceed to Phase 2.

Motion by: Adam Hill
Second by: Paul A. Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

9. Request to approve a resolution authorizing submittal of the Urban County of San Luis Obispo Program Year 2013 Action Plan (Clerk's File). All Districts.

(This item is amended per Addendum to the Agenda by replacing Exhibit A (Attachment 3) for the Program Year 2013 Action Plan funding recommendations to provide updated information on funding recommendations for the City of Arroyo Grande and correct inadvertent errors on the Exhibit.)

Chairperson Teixeira: opens the floor to public comment.

Mr. Jerry Rioux – Housing Trust Fund Director, Mr. Bill Watt – El Camino Homeless Organization (ECHO) Executive Director, Ms. Pearl Munak – Transitional Food & Shelter, Inc. President, Ms. Susan Warren - North County Connection, Ms. Grace McIntosh - Community Action Partnership of San Luis

Obispo County, Inc. (CAPSLO) Deputy Director, Mr. Robert Laing – Pacific Southwest Community Development Corporation Executive Director and Mr. Tyler Corey - San Luis Obispo Housing Program Manager: speak.

Supervisor Hill: states he will be abstaining from voting on this item due to a conflict of interest.

The Board directs staff to return with options upon revisiting the funding allocations for the Oceano Drainage Improvements Project and the El Camino Homeless Organization (ECHO). Additionally, the Board directs staff to work with North County Connection to get the necessary letter of determination that they requested. Furthermore, RESOLUTION NO. 2013-38, a resolution approving and authorizing submittal of the Urban County of San Luis Obispo Program Year 2013 Action Plan of the County of San Luis Obispo’s 2010 consolidated plan for the community development block grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grants (ESG) programs, adopted.

Motion by: Frank R. Mecham
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)			x	
Arnold, Debbie (Board Member)	x			

Closed Session Items:

10. The Board announces they will be going into Closed Session regarding:

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. In re Los Osos Community Services District (Bankruptcy); 2. Teichert, A. & Son, Inc. v. San Luis Obispo County Flood Control & Water Conservation District; 3. Coast National Bank v. County of San Luis Obispo; 4. North County Watch, et al. v. County of San Luis Obispo, et al. (CV098031).
B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 5. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 3. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 6. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.

ADDED ITEM PER ADDENDUM TO THE AGENDA - REQUIREMENTS OF THE BROWN ACT HAVE BEEN SATISFIED AS THIS NOTICE WAS POSTED PRIOR TO THE 72-HOUR NOTICING REQUIREMENT.

I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in Closed Session concerning the following items:

A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 7. Concerned Landowners in the Paso Robles Groundwater Basin v. County of San Luis Obispo.

Chairperson Teixeira: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: No report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

11. Submittal of resolution commending Chris Craig upon her retirement after 24 years with the County of San Luis Obispo.

Mr. Jason Giffin – Planning and Building Director, Ms. Kami Griffin – Planning and Building Assistant Director and Ms. Chris Craig: speak.

RESOLUTION NO. 2013-39, a resolution commending Christine Craig upon her retirement after twenty-four years of service with the County of San Luis Obispo, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

12. Submittal of resolutions recognizing employees for 30 and 35 years of service.

Ms. Tami Douglas-Schatz: replaces the resolution for Mr. David Pomeroy due to a typographical error.

Mr. Wayne Hansen – Health Agency, Mr. David W. Pomeroy - District Attorney and Ms. Teri Prince – Sheriff’s Department: receive their employee service awards, with each department head or representative highlighting their history with the County.

RESOLUTION NO. 2013-40, a resolution commending Wayne Hansen in recognition of thirty five years of service with San Luis Obispo County; RESOLUTION NO. 2013-41, a resolution commending David W. Pomeroy in recognition of thirty years of service with San Luis Obispo County; and RESOLUTION NO. 2013-42, a resolution commending Teri Prince in recognition of thirty years of service with San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			
Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings Continued:

13. Hearing to consider an appeal by Roy Ogden, Attorney representing Darren Shetler, of the issuance of a Grading Permit (PMT2012-00534) at 300 Green Gate Road, south of the city of San Luis Obispo, to allow grading for a horse arena in an existing pasture. District 3.

Mr. Roy Ogden –Attorney representing Darren Shetler, Appellant (documentation) and Ms. Jamie Kirk – Applicant's representative: speaks.

Chairperson Teixeira: opens the floor to public comment without response.

Mr. Ogden: provides closing statements.

The Board denies the appeal filed by Roy Ogden and RESOLUTION NO. 2013-43, a resolution affirming the decision of the Planning Director regarding Grading Permit PMT2012-000534, adopted.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Teixeira, Paul A. (Chairperson)	x			

Gibson, Bruce S. (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 05, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: March 11, 2013